UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 11-7506

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LEVI SPRINGER,

                Plaintiff – Appellant,

       v.

OFFICER M. DEEL; SGT. COLLINS; OFFICER BRIAN HURLEY,

                Defendants – Appellees,

     and

SGT. SMITH; WARDEN TRACY RAY; SGT. ADAMS; OFFICER PHILLIPS; OFFICER TALOR; SHERRY SHORTRIDGE; CAPTAIN MCCOY,

                Defendants.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke.   James P. Jones, District Judge. (7:10-cv-00256-JPJ-RSB)

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Submitted: May 31, 2012   Decided: June 6, 2012

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Before KING, GREGORY, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Levi Springer, Appellant Pro Se. Mark R. Davis, Assistant Attorney General, Lara Kate Jacobs, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Levi Springer appeals the jury's verdict in favor of the Appellees in his 42 U.S.C. § 1983 (2006) action. The record does not contain a transcript of the jury proceedings. An appellant has the burden of including in the record on appeal a transcript of all parts of the proceedings material to the issues raised on appeal. See Fed. R. App. P. 10(b); 4th Cir. R. 10(c). Springer has neither provided a transcript of the trial nor moved for a transcript at government expense. See 28 U.S.C. § 753(f) (2006). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Springer has waived review of the issues on appeal that depend on the transcript to show error. Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992) (per curiam); Keller v. Prince George's Cnty., 827 F.2d 952, 954 n.1 (4th Cir. 1987). As no error appears on the record before us, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

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